United Nations A/HRC/33/17/Add.1

General Assembly

Distr.: General
20 September 2016

Original: English

Human Rights Council
Thirty-third session
Agenda item 6
Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Ireland

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

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Ireland welcomes the recommendations made in the course of its UPR on 11 May 2016 and is pleased to provide the following responses.

136.1. **Partially accepted.**

Ireland is committed to ratification of the pending international human rights instruments. Ireland does not become party to treaties until it is first in a position to comply with the obligations contained in the treaty in question, including by amending domestic law as necessary.

136.2. **Partially accepted.**

The OP-CRC-SC will be ratified as soon as practicable after legislation relating to sexual offences has been amended.

There are no plans to sign the ICRMW.

Work is underway to meet the commitment made by Government to ratify CRPD by end-2016.

Ireland is committed to ratification of the ICPPED as soon as other legislative priorities permit.

There are no plans for Ireland to ratify the UNESCO Convention. Ireland is committed to the principles of equality of educational opportunity contained in the Convention.

136.3. **Partially accepted.**

See 136.2.

136.4. **Partially accepted.**

See 136.2.

Ireland will ratify OP-CAT once the necessary legislation on National Preventative Mechanisms has been enacted.

136.5. **Partially accepted.**

See 136.2 and 136.4.

Ireland has no plans to sign ILO Convention 169.

136.6. **Partially accepted.**

See 136.1 and 136.2.

136.7. **Partially accepted.**

Ireland is committed to ratifying OP-ICESCR and consideration is being given as to how best to implement it.

136.8. **Partially accepted.**

Major reforms to the system for determining applications for international protection were introduced in 2015. New procedures will streamline the processing of applications and significantly reduce the length of time spent awaiting decisions. The reforms, when implemented, will ensure asylum seekers are treated humanely and with respect and ensure more efficient protection and immigration procedures and safeguards.

See 136.2.

136.9. **Partially accepted.**

Any reservations will be made in accordance with international law.

136.10. **Partially accepted.**

See 136.2.

The Programme for Government commits to consult with stakeholders on how best to progress sections of the EPSEN Act that were introduced on a non-statutory basis.

136.11 **Not accepted.**

There are no proposals to amend Article 42.1.

The Constitution can only be amended following a referendum of the people.

The Government established a Citizens Assembly to review the Eighth Amendment of the Constitution (Article 40.3.3) and report back to Parliament with recommendations. The Assembly will be chaired by a Justice of the Supreme Court and will be comprised of 100 citizens randomly chosen from the population.

136.12. **Partially accepted.**

The Government will publish an updated National Women's Strategy by end-2016.

The Government has committed to holding a constitutional referendum on Article 41.2.1.

136.13. **Partially accepted.**

See 136.12.

136.14. **Partially accepted.**

See 136.12.

136.15. **Not accepted.**

See 136.11 and 136.12.

136.16. **Not accepted.**

See 136.11.

136.17. **Not accepted.**

See 136.11.

136.18. **Not accepted.**

See 136.11.

136.19. **Not accepted.**

See 136.11.

136.20. **Partially accepted.**

A range of committees have a focus on specific human rights and equality issues and the coordination of their work takes place under the aegis of the Oireachtas Business Committee.

136.21. **Accepted.**

There is ongoing and extensive consultation in the development of new Disability Inclusion and Traveller and Roma Inclusion Strategies and this will also be central to the development of the new National Women's Strategy.

136.22. **Partially accepted.**

Considerable work is already underway on specific sectoral issues. The best use needs to be made of the resources available and to ensure that the Government partners with civil society in the most effective way.

136.23. **Partially accepted.**

See 136.22.

136.24. **Partially accepted.**

See 136.22.

136.25 **Partially accepted.**

See 136.22.

136.26. **Accepted.**

There is no uncertainty for any children in this respect. The surname of the child must be registered: this can be the surname of the father or mother or both.

136.27. **Not accepted.**

Ireland's age of criminal responsibility is at 12 years of age, but no prosecution of any child under the age of 14 can take place without the Director of Public Prosecution's consent. While there are no plans to amend the provisions relating to the age of criminal responsibility in the Children Act 2001, the National Youth Justice Action Plan 2014-2018 commits to review generally the operation of the Act.

136.28. **Not accepted.**

See 136.27.

136.29. **Partially accepted.**

See 136.2.

The Employment Equality Acts prohibit discrimination in pay on the basis of gender.

Article 44 of the Constitution specifically protects religious freedom. The Constitution also protects the right to freedom of expression of convictions and opinions. The Equal Status Act 2000 which outlaws discrimination in relation to the admission of a student, makes provision for exemptions to apply in the case of single sex schools and in the case of schools where the objective is to provide education in an environment that promotes certain religious values.

All religious denominations and groups are free to establish their own social, cultural and educational institutions, including schools.

136.30. **Not accepted.**

Ireland has comprehensive and robust equality legislation in place, which prohibits discrimination on nine specified grounds: gender, civil status, family status, age, race, religion, disability, sexual orientation and membership of the Traveller community. The legislation is designed to promote equality, prohibit discrimination – direct, indirect and by association – and victimisation, and allow positive measures to ensure full equality across the nine grounds.

136.31. **Not accepted.**

See 136.30.

136.32. **Not accepted.**

See 136.30.

136.33. **Accepted.**

Ireland continues to address the gender pay gap and the complex factors that cause it, including by the introduction of a national minimum wage which has led to an improvement. The national minimum wage benefits those in the lowest income groups in which women predominate. The Government has also committed to introducing wage surveys for companies of 50 and more employees to promote wage transparency.

136.34. **Accepted.**

Considerable measures are in place to improve women's representation in the public, private and political spheres and initiatives are being undertaken.

See 136.33.

136.35. **Accepted.**

See 136.34.

See 136.33.

All women who are in employment or self-employment and satisfy the contribution conditions are entitled to Maternity Benefit.

136.36. **Accepted.**

A consolidated Bill is being prepared. The Second National Strategy on Domestic, Sexual and Gender-based Violence is particularly concerned with strengthening services to victims and improving data collection and analysis.

136.37. **Accepted.**

See 136.36.

136.38. **Accepted.**

See 136.36.

136.39. **Accepted.**

See 136.36.

136.40. **Accepted.**

See 136.36.

136.41. **Accepted.**

See 136.36.

136.42. **Accepted.**

See 136.36.

136.43. **Not accepted.**

Ireland already has legislation in place which prohibits racial discrimination.

136.44. **Partially accepted.**

See 136.43.

Members of An Garda Síochána (police force) are subject to the same legislation as all Irish citizens. Complaints about possible misconduct by members of An Garda Síochána can be made to the Garda Síochána Ombudsman Commission, which is an independent agency.

136.45. **Partially accepted.**

Where criminal offences such as assault, criminal damage, or public order offences are committed against a person based on their race, religion etc., the trial judge can take aggravating factors (e.g. motivation based on a victim's religion, race, etc.) into account at sentencing.

The Government has recently approved a review of the Prohibition of Incitement to Hatred Act 1989.

136.46. **Partially accepted.**

The Government is committed to combating racism. Anti-racism initiatives will be taken under the new Integration Strategy. Ireland has ratified ICERD and our legislation is compliant with its provisions.

The Prohibition of Incitement to Hatred Act 1989 makes it an offence to use words, publish or distribute written material, or broadcast any visual images or sounds which are threatening, abusive or insulting and are intended, or are likely to stir up hatred.

See 136.45.

136.47. **Partially accepted.**

See 136.46.

136.48. **Partially accepted.**

See 136.2 and 136.46.

136.49. **Partially accepted.**

Pensions legislation already prohibits discrimination on grounds of sexual orientation.

136.50. **Partially accepted.**

The review is being considered with a view to identifying how its recommendations might best be implemented and it has informed the Irish Prison Service Strategic Plan 2016-2018.

136.51. **Partially accepted.**

The Final Report in relation to progress on each of the 99 recommendations in the Ryan Report and its implementation plan was published in March 2015.

The Commission of Investigation into Mother and Baby Homes and Certain Related Matters, established in February 2015, to establish the facts, and provide a full account, of what happened to vulnerable women and children in these Homes between 1922 and 1998 has all the necessary powers to fulfil its role and remains committed to completing its investigations by February 2018.

A comprehensive report to establish the facts concerning the Magdalen Laundries – the McAleese Report – was published in February 2013.

136.52. **Not accepted.**

Ireland's Constitution recognises the importance of the family and guarantees its protection; following a referendum in 2015 this protection was extended to same sex unions. International human rights law accords human rights to individuals and Ireland is fully committed to the promotion and protection of these rights.

136.53. **Partially accepted.**

The Government has committed to holding a referendum on removing blasphemy from the Constitution.

136.54. **Partially accepted.**

See 136.53.

136.55. **Accepted.**

The Government is committed to developing and implementing strategies for preventing, reducing and ultimately eliminating poverty and social exclusion in collaboration with other stakeholders, including people experiencing poverty.

136.56. **Accepted.**

The Social Inclusion and Community Activation Programme (SICAP) continues to be supported.

136.57. **Accepted.**

The Government is committed to improving people's quality of life and living standards through a three-pronged approach – adequate income support, good jobs that make work pay and access to quality services. Ireland's comprehensive welfare system plays a central role in protecting those who are unemployed and other vulnerable groups. The National Action Plan for Social Inclusion identifies a wide range of targeted actions and interventions to this end.

136.58. **Not accepted.**

The rights of all people – whether rural or urban dwellers – are equally protected in Ireland and the concept of 'peasant' is not relevant to our situation.

136.59. **Partially accepted.**

Ireland has endorsed the Framework for Action Report arising from the Second International FAO WHO Conference on Nutrition.

136.60. **Partially accepted.**

There is a comprehensive system of civil legal aid available (including in relation to evictions from social housing) for persons who meet the eligibility criteria.

136.61. **Partially accepted.**

There is a range of housing supports available to families who are renting accommodation and the Government has put in place a number of services to assist homeowners in mortgage arrears.

136.62. **Accepted.**

The Government has embarked upon a major programme of health reform, the aim of which is to deliver universal healthcare, where all people can access the quality health services they need, while ensuring that the use of these services does not expose them to financial hardship.

136.63. **Accepted.**

The Government is committed to extending free General Practitioner care to children under 12 years of age.

136.64. **Not accepted.**

See 136.11.

136.65. **Not accepted.**

See 136.11.

136.66. **Not accepted.**

See 136.11.

136.67. **Not accepted.**

See 136.11.

136.68. **Not accepted.**

See 136.11.

136.69. **Not accepted.**

See 136.11.

136.70. **Not accepted.**

See 136.11.

The Protection of Life During Pregnancy Act 2013 regulates access to lawful termination of pregnancy in accordance with the X case and the judgment of the European Court of Human Rights in the A, B and C v Ireland case. The Committee of Ministers of the Council of Europe is satisfied that the Government has given effect to the ruling in the A, B and C v Ireland case by introducing the Protection of Life During Pregnancy Act 2013, related regulations and guidance document. The case was closed on 4 December 2014.

136.71. **Not accepted.**

See 136.11.

136.72. **Not accepted.**

See 136.11.

136.73. **Not accepted.**

See 136.11.

136.74. **Partially accepted.**

The National Sexual Health Strategy has a number of priority actions aimed at improving the sexual health and well-being of young people.

136.75. **Not accepted.**

Access for young people to public health services such as contraception is provided in line with the National Sexual Health Policy Strategy framework and in accordance with the national legal requirements applying.

136.76. **Partially accepted.**

See 136.74.

136.77. **Not accepted.**

See 136.11.

In 2015, the Government approved draft legislative provisions on assisted human reproduction (AHR). The legislation will promote and ensure the health and safety of parents, others involved in the process (such as egg/sperm donors and surrogate mothers) and, most importantly, the children who will be born through AHR. AHR services will be available to people irrespective of gender, marital status or sexual orientation subject to the welfare of any future children.

136.78. **Not accepted.**

See 136.11.

136.79. **Not accepted.**

See 136.11 and 136.77.

136.80. **Partially accepted.**

See 136.29.

The Education (Admission to Schools) Bill 2016, which was published in July 2016, proposes to introduce a number of important changes to make enrolment policies fairer and more transparent.

136.81. **Partially accepted.**

Ireland has undertaken comprehensive consultations with people with disabilities in context of developing a new Disability Inclusion Strategy, including on ratification of CRPD.

136.82. **Partially accepted.**

The consultation process on the new Strategy provides the opportunity to interested parties to make recommendations in key areas such as service provision, accommodation, health, employment, transport and education.

136.83. **Accepted.**

The issue of Traveller ethnicity is being considered within the context of discussions on the new National Traveller and Roma Inclusion Strategy.

136.84. **Partially accepted.**

All children under 6 years of age have access to free General Practitioner care. Any person who is ordinarily resident in the State can apply for a Medical Card. Ordinarily resident means that you live in Ireland or intend to live in Ireland for at least a year. Children under 16 apply as part of their parent's/guardian's application. Medical Cards are awarded following a means assessment.

136.85. **Partially accepted.**

See 136.43.

It is intended that the new Inclusion Strategy will bring about a real improvement in quality of life for Travellers and Roma in Ireland.

136.86. **Partially accepted.**

See 136.85.

136.87. **Accepted.**

See 136.8.

136.88. **Accepted.**

See 136.8.

136.89. **Partially accepted.**

See 136.8.

The 2016 Programme for Government commits to reforming the Direct Provision system, with particular focus on families and children.

136.90. **Partially accepted.**

The International Protection Act provides for the specific situation of vulnerable persons such as persons under the age of 18 years and that the best interests of the child shall be a primary consideration in dealing with the extension to qualified persons of certain rights including permission to reside and to travel and permission to enter and reside for family members of qualified persons.

136.91. **Partially accepted.**

The Irish Refugee Protection Programme is based on both the relocation of asylum seekers from Italy and Greece under EU legal instruments as well as the resettlement of refugees from refugee camps. Ireland will fully comply with all international standards and remains committed to the full implementation of the Programme.

136.92. **Partially accepted.**

See 136.90.

136.93. **Partially accepted.**

See 136.90.

136.94. **Accepted.**

The International Protection Act provides for victims of human trafficking.

The 2nd National Action Plan to Prevent and Combat Human Trafficking in Ireland will contain a commitment to fundamentally review our formal identification process to ensure that we have in place systems which meet international best practice and the needs of victims including those in the international protection procedure.

136.95. **Accepted.**

It has been made more difficult to broker a marriage of convenience. Evidence of intention to undertake a marriage of convenience is now an impediment to marriage.

136.96. **Accepted.**

The National Policy Position on Climate Action and low carbon development provides a high-level policy direction for the adoption and implementation by Government of plans to enable the State to move to a low carbon economy by 2050.

136.97. **Accepted.**

Ireland is committed to promoting responsible business conduct and corporate social responsibility through appropriate frameworks, implementing our international obligations and promoting good practice in the business community. As part of our commitment to implementing global standards such as the OECD

Guidelines on Multinational Enterprises and the UN Guiding Principles on Business and Human Rights. Our National Plan on Business and Human Rights will provide tools to prevent and address risks related to human rights abuses, including in conflict affected areas.